

# PARIS PIKE CORRIDOR COMMISSION

## MINUTES

7<sup>th</sup> Floor Conference Room  
LFUCG Phoenix Building

June 11, 2012

### Attendance

**Members Present:** Mike Asalon; Ben Blyton, Chair; James Brady; Johnny Brennan; Bettye Burns; Ginny Howard; and Harry Park.

**Staff Present:** Rochelle Boland; Dal Harper; Barbara Rackers; and Stephanie Cunningham

**Others Present:** George Branch, Allen Patrick

Mr. Blyton called the meeting of the Paris Pike Corridor Commission to order at 12:00 p.m. on June 11, 2012.

Mr. Blyton stated that the minutes of the April 9, 2012, meeting had been presented for approval.

### OLD BUSINESS

#### 1. Update on Possible Business at 2651 Paris Pike

Mr. Blyton asked Ms. Rackers to provide an update about her research into the possible business activities at 2651 Paris Pike. Ms. Rackers said that she had spoken with the Zoning Enforcement staff, and they indicated that the property owner had been notified that they must cease and desist any business operation on the property.

Ms. Burns circulated a photograph of the property that clearly depicts the business in operation.

Mr. Brennan asserted that it appeared that the business was still operating when he passed the property on his way to this meeting.

Ms. Burns said that the property owner had indicated at one point that they intended to get a home office permit for the property, and she asked what type of operation could be conducted with such a permit. Ms. Rackers answered that it would enable the property owner to do the paperwork and telephone work associated with a business, but would not allow any type of storage of materials or vehicles.

Ms. Burns said that the large structure behind the residence on the property appears to be at least half of the size of the house, and she asked if that was permitted. Ms. Rackers stated that, according to the Zoning Ordinance, accessory structures in a residential zone cannot be any larger than 625 square feet, or half of the size of the primary structure.

Ms. Howard asked how the cease and desist order would be enforced. Ms. Rackers answered that she would ask the Zoning Enforcement personally and report back at the next meeting.

Ms. Howard asked if the property owner could also be required to install siding on the accessory structure, since it has been incomplete for several months. Ms. Rackers responded that she did not believe that was within the enforcement powers of LFUCG.

### NEW BUSINESS

#### 1. Agricultural Land Subdivision Request at 4635 Lexington Road

George Branch, 4635 Lexington Road, stated that he is the owner of the subject property. He said that the sole purpose for the proposed land subdivision is to take advantage of current estate tax laws prior to their expiration at the end of 2012. Mr. Branch and his wife, as part of their estate planning, would like to place their house in a Qualified Personal Residence Trust (QPRT) for their two daughters. They intend to maintain the farm as it exists today, and are currently discussing the possibility of placing a conservation easement on the property. However, if they do not take advantage of some type of trust, their daughters would be forced to pay a large estate tax. Mr. Branch said that the 122-acre farm does not qualify for the QPRT, so they are proposing to

subdivide the property so that the house and required road frontage exist on one parcel, and the remainder of the farm constitutes a separate parcel. He added that the QPRT will be in effect for 12 years, at which time the house will pass to his daughters at a reduced tax rate.

Mr. Blyton asked if the proposed subdivision includes any plans for development of the property. Mr. Branch responded that he has been in advanced discussions with the Bluegrass Conservancy about placing the property in a conservation easement. One of the requirements for such an easement would be that, upon the expiration of the trust, the portion of the property containing the house must vest back to the owners of the remainder of the farm.

Ms. Howard asked if the PPCC had reviewed a request for subdivision of the subject property a few years ago. Mr. Patrick answered that there was a consolidation plat that joined a portion of the former Rankin property with the Clay property.

Ms. Howard asked if the Bluegrass Conservancy was aware of the proposed subdivision, and when they will approve the conservation easement on the subject property. Mr. Branch responded that the Bluegrass Conservancy is in agreement with the proposed subdivision, and they have already agreed to include the property in a conservation easement. He also noted that the proposed subdivision will revert back to one lot when the trust expires in 12 years, which should give the PPCC members some assurance that the property will not be developed.

Mr. Blyton stated that the proposed subdivision appears to meet the requirements of the Paris Pike Overlay Zone. Mr. Park agreed. Ms. Howard said that she is concerned about the possibility of setting a precedent. Mr. Park said that the PPCC cannot interpret the intent of the property owner; as long as the proposed subdivision meets the requirements, the PPCC must approve it.

Action: A motion was made by Mr. Brennan, seconded by Mr. Park, and carried 6-0 to approve the proposed subdivision of property at 4635 Lexington Road.

**COMMISSION ITEMS** – No such items were presented.

**OTHER BUSINESS** – No such items were presented.

**ADJOURNMENT** – There being no further business, Mr. Blyton declared the meeting adjourned at 12:22 p.m.